

BOARD OF ADJUSTMENT REPORT



MEETING DATE: 4/5/2006

ITEM NO. _____

ACTION REQUESTED: Zoning Ordinance Variance

SUBJECT Granite Reef Mountain Lofts
(1-BA-2006)

REQUEST Request to approve a variance from Article V. Section 5.1004.E.2 regarding building setbacks.

OWNER Granite Reef Mountain Lofts LLC
480-804-1076

APPLICANT CONTACT Mark Richmond
602-679-1699

LOCATION 1401 N. Granite Reef Road



CODE ENFORCEMENT No Code Enforcement activity has occurred on this case. Non-compliance with the setback requirement of the Zoning Ordinance was identified when the applicant submitted for approval through the Development Review Board process.

PUBLIC COMMENT Neighboring properties have been notified of the Applicant's request. There has been one phone inquiry to City staff with general questions.

ZONE The site is zoned R-5 (Multiple-Family Residential District). The district is intended to provide for development of multi-family residential and allows for residential development at higher densities than those of single-family districts. General minimum setback requirements are fifteen (15) feet where the development abuts any residential district not zoned R-5. No setback is required where the projects abuts a R-5 zoned property or any other non-residential district. However, if a yard is to be maintained, it shall not be less than ten (10) feet in depth.

ZONING/DEVELOPMENT The site is located roughly 700 feet south of McDowell Road along the eastern side of Granite Reef Road. Surrounding uses include:
CONTEXT

North: Commercial, medical office, and residential uses with R-5, C-O and S-R zoning.

East: Parking directly adjacent to the site with a large, R-5 zoned multi-family development further east.

South: A large, R-5 zoned multi-family development.

West: Granite Reef Road directly abuts the property to the west with the large, I-1 zoned General Dynamics facility further to the west.

ORDINANCE
REQUIREMENTS

Article V, Section 5.1004.E.2. states, "Wherever an R-5 development abuts any district other than R-1, R-2, R-3, R-4, R-4R or M-H, or abuts an alley adjacent to such other district, a building may be constructed on the property line. However, if any yard is to be maintained, it shall be not less than ten (10) feet in depth."

DISCUSSION

The requested variance is for a reprieve from the setback requirement of zero (0) or ten (10) feet to allow for the development of a circular-shaped building.

It appears as though the Zoning Ordinance did not specifically contemplate such non-traditional designs as the one proposed by the Applicant when it was first conceived or the importance the setback provision would have on irregularly-shaped lots. The original intent of the provision was to allow the maximization and flexibility of building placement on R-5 zoned parcels, while also eliminating those unused and unmaintained spaces between buildings that often occur when buildings are placed close together. The Applicant indicates that the unique circumstance of the lot and building design require a different application of this provision in the ordinance in order to allow for the proposed development on the irregularly-shaped lot.

There is also an existing access easement located on the southern portion of the lot to provide access to the parking lot located to the east of the property that further constrains the site.

FINDINGS

- 1. That there are special circumstances applying to the property referred to in the application which do not apply to other properties in the District. The special circumstances must relate to the size, shape, topography, location or surroundings of the property at the above address:**

The Applicant indicates that the lot is small and irregular in shape and has a large existing vehicle access easement along its south end, which makes fitting traditional rectangular-shaped townhomes difficult on the site. The Applicant also notes that other lots in the area with larger, rectangular-shaped configurations are better suited for more traditional rectangular-shaped townhomes. In order to allow for the development of a site with a more useable common area for residents, the Applicant has chosen a unique circular design to make better use of the lot's irregular shape.

The parcel varies in width from its northern property line to its southern property, losing overall width of approximately 125 feet from north to south. Similar irregular-shaped lots exist in the vicinity of the Applicant's parcel. The west property line of the

parcel directly abuts Granite Reef Road and the eastern property line abuts an existing parking lot. No buildings exist within 100 feet of the property's western, eastern, or southern property lines.

2. That the authorizing of the variance is necessary for the preservation of the privileges and rights enjoyed by other properties within the same zoning classification and zoning district:

The Applicant indicates that authorizing the requested variance will allow the preservation and enjoyment of substantial property rights by maximizing the possible density for the site through the use of a creative design solution to an odd-shaped lot. The Applicant's proposal calls for an overall density for the project of just under 12 units per acre. At this density, traditional townhome development would not allow for contiguous common areas for residents with the odd-shaped lot. In order to maintain the proposed density the unique circular design was employed to provide for a higher level of enjoyment to residents of the project. Again, the Applicant has stated that this feature is enjoyed by other, more traditional-shaped properties in the area of the site.

The Applicant is proposing an overall density that is roughly half of the maximum allowed density for the site. The Applicant's building design attempts to maximize buildable area on an irregular lot while maintaining meaningful open spaces. The existing access easement on the site removes approximately 4,000 square feet of possible buildable area from the site to allow access from Granite Reef Road for the neighboring site to the north's parking lot.

3. That special circumstances were not created by the owner or applicant:

The Applicant indicates that the size and shape of the lot were not created by the owner or applicant. In addition, the existing access easement at the southern section of the site was created several years before the present owner acquired the property, and further constrains the development options of the site.

The Applicant also states that the original application of this provision in the Zoning Ordinance did not correctly contemplate situations of unique design such as the proposed circular building, or situations where buildings are not built directly adjacent to one another. Rather, the provision only envisions the development of traditional, square-shaped buildings and buildings that develop directly adjacent to one another on conventional rectangular-shaped lots. There are currently no buildings built on the eastern property line of the site, which is currently a parking lot. In addition, there are no buildings along the western property line, which is City right-of-way.

The Applicant's proposal utilizes varying setbacks as an attempt to

maximize buildable area on the irregularly-shaped lot. Alternatively, the Applicant could employ traditional, rectangular-shaped buildings for the lot, as is typical of development surrounding the site.

4. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general:

The Applicant indicates that the proposal provides an increased front and rear setback that is allowed within the current R-5 zoning setback requirement. In addition, the development is preserving a large portion of open space on the exterior of the project to create a visual setting for the proposed building and a landscape buffer between the buildings and adjacent properties.

There are currently no buildings built within 100 feet of those property lines with which the Applicant is asking for a variance from. The large industrial complex of General Dynamics is adjacent to the property across Granite Reef Road to the west and an existing parking lot is adjacent to the property to the east. In addition, the Applicant is proposing a varying setback that increases to beyond the required ten feet along both the west and east sides of the property.

STAFF CONTACT

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ATTACHMENTS

1. Project Description / Justification
2. Context Aerial
3. Aerial Close-up
4. Zoning Map
5. Photographs
6. Proposed Site Plan
7. Perspective Drawing

Architectural Design by Delorme and Associates
Architects ~ Interiors

8595 East Bell Road, Suite 103
Scottsdale, AZ
85260

Date: February 15, 2006
Project: Granite Reef Circle Lofts Townhomes
Re: Justification for Variance

Project Description

Granite Reef Circle Lofts is a 20-unit townhouse development oriented around a central amenity area with pool, spa, BBQ and Ramada. Two of the three buildings—a 4-plex and a 10-plex—are made up of townhouses in a slight wedge shape, giving the impression of a circle, although there are no curved walls. The third building is a 6-plex made up of square or rectangular shaped townhouses and is not considered to be a part of the variance request.

All units are 3 stories with a double attached garage on the main level. Main living areas are on the second level and include generous covered decks overlooking the central amenity area. Primary sleeping areas are on the third level.

The wedge units feature full driveways with partial carports. The whole second level is a large great room. The third level can be configured with two bedrooms and two baths, or three bedrooms and two baths. Total livable square footage is approximately 1669 sq ft.

We are requesting a variance to the R5 residential zoning code--which states that we have to be on either a 0 foot or a 10 foot setback—to allow the design to be an increasing setback on the front (west side) and the rear (east side) of the site, starting at 0' and increasing to 10 feet and more as the building curves away from the property line. It seems that the code as written did not anticipate a curved building on a front or rear property line. In this case, no other building would be built adjacent to it on either the front or rear of the project, thus eliminating any worry of distance to another building.

The circular concept for a multi family project is a new and exciting prospect from the typical row style clusters that are seen in most developments. Being an innovator of design, we are bringing to the Scottsdale community something fresh and new for this infill project. There is currently no other project in the greater Scottsdale area that has proposed a design such as this; therefore new standards and interpretations are being requested to respond to this particular situation

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- 1 Special circumstances/conditions exist which do not apply to other properties in the district:

This lot is small and odd shaped, and has a large existing vehicle access easement along its south end, which makes fitting traditional rectangular shaped townhouses difficult. The maximum allowed density is 23 units per acre, which would be over 40 units on this site. We were able to fit only 20 regular shaped town homes without a gate, and chopped up common spaces on the site, but with the circular layout, we were able to get 20 unusual and unique town homes with a gate and a large centralized common area. Other properties in the area are larger and more rectangular in shape, making them better suited for traditional rectangular shaped town homes.

- 2 Authorizing the variance is necessary for the preservation and enjoyment of substantial property rights:

Through this variance, we are preserving the enjoyment of **substantial property rights** by maximizing the possible density through a creative solution to an odd shaped lot. By creating this circular design, we are able to push the town homes to the outside edge of the awkwardly shaped lot, thus maximizing both the density of the site and the common area left over in the middle of the site. These are positives for new owners of the townhouses that will have the maximum amount of continuous open space, inside a uniquely laid out project that truly responds to its site.

- 3 Special circumstances were not created by the owner or applicant:

The size and shape of the lot were not created by the owner or applicant, nor was the singular interpretation of the front and rear setback definition. The only thing created by the applicant is a creative solution to a difficult site. R5 zoning is the only residential zoning that calls out for buildings to be located on either the zero foot or the 10 foot set back. It seems that the spirit, or intent behind this "either/or" setback is to create a denser urban feel by eliminating side yards, but if a side setback is desired on a project, 10' is required. The "square" units on the north of the site adhere to this setback. The code does not allow city staff any leeway to consider projects that propose a setback between 0 or 10 feet for front or rear setbacks where no other buildings are adjacent--designs that otherwise satisfy building safety requirements, yet in an innovative and creative way. The strict interpretation of the code doesn't allow city staff to evaluate each project on its own merit, thus eliminating possible new concepts and designs in site development. While this project is still within the spirit of the code, it is not within the literal interpretation.

- 4 Authorizing the application will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare in general:

Granting this variance will not be materially detrimental to persons residing or working in the vicinity or to the public welfare in general. We are asking for *an increasing* front and rear setback that is *within* the range of the current R5 zoning setback requirement. This project will

bring additional new and dynamic living space to this infill parcel otherwise destined to be an underutilized scrap of land with a mediocre assembly of boxes on it. The creative design will bring development to an otherwise, misshapen lot that is currently an eye sore, creating more opportunities for home ownership close to major South Scottsdale employers. Being town homes, they will potentially increase the level of owner occupancy in the area.



RYER & ASSOCIATES



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G.I.S. ORTHOPHOTO 2003

Granite Reef Mountain Lofts

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ATTACHMENT #2



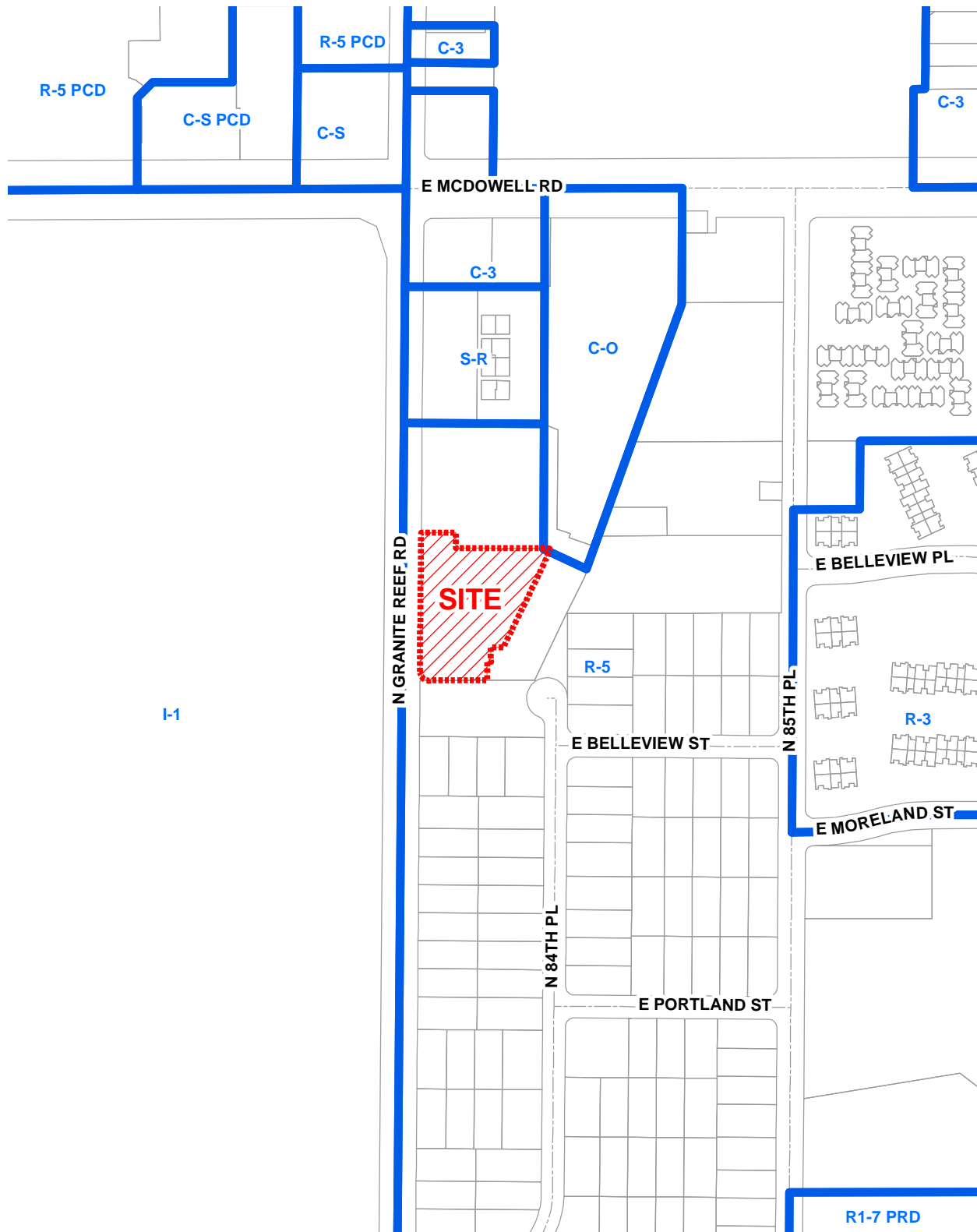
Q.S.
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G.I.S. ORTHOPHOTO 2003

Granite Reef Mountain Lofts

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ATTACHMENT #3



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ATTACHMENT #4

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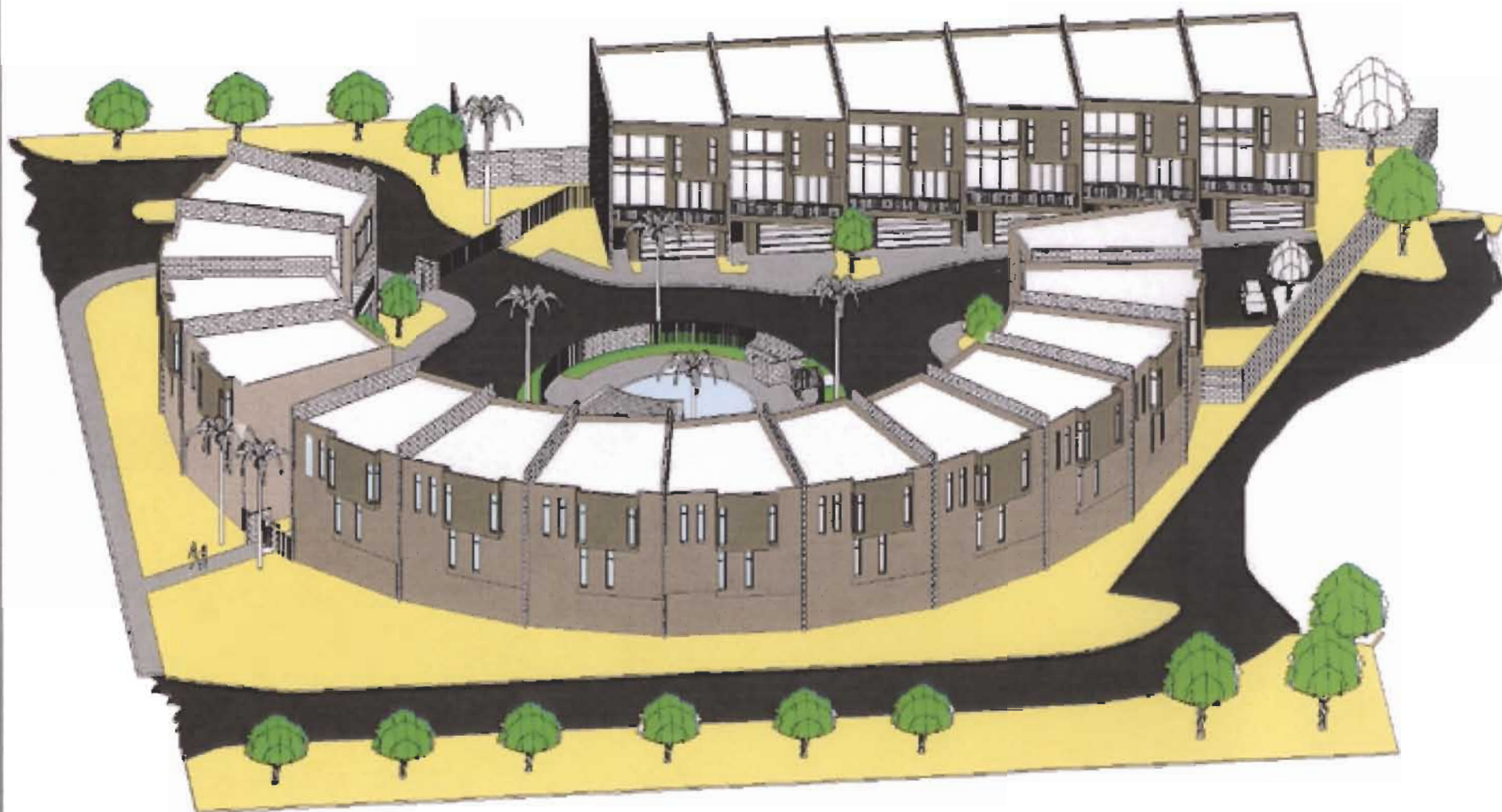


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DeLorme & Associates
 ARCHITECTURAL DESIGN
 200 E. BAYVIEW AVENUE, SUITE 100
 MIAMI, FL 33139
 (305) 358-1000

JCD/ACR/2003

Granite Reef Circle Lofts

TOWNHOUSE COMMUNITY

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